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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF	)	CRIMINAL ACTION
	)	
-VS-	)	NO. 10-10159-PBS
	)	
TODD LYONS AND DANIEL EREMIAN,	)	Pages 1 - 100
	)	
	)	
DEFENDANT	)	

JURY TRIAL - DAY 4  
EXCERPT OF TESTIMONY OF JOHN CHEW  
BEFORE THE HONORABLE PATTI B. SARIS

UNITED STATES DISTRICT COURT  
1 Courthouse Way, Courtroom 19  
Boston, Massachusetts 02210  
November 3, 2011

VALERIE A. O'HARA  
OFFICIAL COURT REPORTER  
United States District Court  
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2 FOR THE UNITED STATES:

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4 Assistant United States Attorneys, Office of the  
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5 Massachusetts, 02210, for the Plaintiff.

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8 MARC S. NURIK, ESQ., Law Offices of Marc S. Nurik, One  
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9 33301, for the Defendant, Daniel Eremian.

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<b>Witness Name</b>	<b>Direct</b>	<b>Cross</b>	<b>Re-Direct</b>	<b>Re-Cross</b>
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**GOVERNMENT EXHIBITS**

<b>Exhibit</b>	<b>Description</b>	<b>Identification</b>	<b>Evidence</b>
No. 41	Immunity Order		7
No. 170	Check		29
No. 171	Check		36

**DEFENDANTS' EXHIBITS**

<b>Exhibit</b>	<b>Description</b>	<b>Identification</b>	<b>Evidence</b>
No. 302	Handwritten notations		52

1

P R O C E E D I N G S

2

MR. WYSHAK: The government calls John Chew.

3

THE COURT: I'm going to stand and stretch.

4

MR. NURIK: Your Honor, I can't see the witness

5

stand.

6

THE COURT: We'll have to move it down a little

7

bit.

8

MR. NURIK: We might be successful in moving it

9

over there.

10

THE COURT: Try it. Mr. Chew, I'm sorry, you're

11

in the middle of this. Why don't you come up here. We're

12

trying to figure out where to put this screen.

13

JOHN CHEW, having been duly sworn by the Clerk,

14

testified as follows:

15

THE COURT: Could you please state your name

16

spelling your last name.

17

THE WITNESS: John Chew, C-h-e-w.

18

THE COURT: All right, go ahead.

19

MR. WYSHAK: Thank you, your Honor.

20

## DIRECT EXAMINATION

21

BY MR. WYSHAK:

22

Q. Good morning, Mr. Chew. Could you tell us how old you

23

are, sir?

24

A. Thirty-seven years old.

25

Q. Are you married or single?

1 A. Single.

2 Q. What do you do for a living?

3 A. Carpentry and masonry.

4 Q. And do you work for any particular company at this point  
5 in time?

6 A. Cal Titus out of Marblehead.

7 Q. And what is your educational background?

8 A. High school graduate.

9 Q. And where did you go to high school?

10 A. Marblehead High School.

11 Q. You grew up in Marblehead; is that fair to say?

12 A. Yes.

13 Q. Where do you currently reside?

14 A. 939 Salem Street in Lynnfield, Mass.

15 Q. Okay. Who owns that home?

16 A. My Uncle Bob.

17 Q. That's Robert Eremian?

18 A. Excuse me.

19 Q. Robert Eremian?

20 A. Yes, I believe.

21 Q. And how long have you been living at that Lynnfield  
22 home?

23 A. Almost three years now.

24 Q. Okay. Are you here testifying pursuant to an Order of  
25 the Court?

1 A. Am I here to testify, you mean was I ordered to come  
2 here?

3 Q. Well, let me show you what's been marked Exhibit 41 in  
4 this case.

5 MR. WYSHAK: May I approach, your Honor?

6 THE COURT: Yes.

7 Q. Have you seen that document?

8 A. Yes, I have.

9 Q. That's what's commonly known as an immunity order; is  
10 that correct?

11 A. That's correct.

12 Q. And you've been served with a copy of that?

13 A. Yes, I have.

14 Q. And what do you understand that order provides?

15 A. Immunity from prosecution for anything that I say  
16 pertaining to the case.

17 Q. Okay. You understand that nothing you say here can be  
18 used against you, right?

19 A. Correct.

20 THE COURT: Now we just need to make sure we hear  
21 you so make sure the mic. goes right up to you.

22 Q. Because of that you're compelled to testify?

23 A. Yes.

24 Q. Do you understand that?

25 A. Yes.

1 Q. Okay. And you were served with similar orders when you  
2 testified before a federal grand jury in this case; is that  
3 fair to say?

4 A. Yes.

5 MR. WYSHAK: I offer the order, your Honor.

6 THE COURT: All right. What exhibit number?

7 MR. WYSHAK: It's 41.

8 ( Immunity Order was admitted into evidence as  
9 Government Exhibit No. 41.)

10 Q. All right. Now, you told us that Robert Eremian was  
11 your uncle?

12 A. Yes.

13 Q. And Daniel Eremian?

14 A. Is my uncle as well.

15 Q. And he's here in court today?

16 A. Yes.

17 Q. Could you point him out, please.

18 MR. WYSHAK: Indicating the defendant, your  
19 Honor?

20 THE COURT: Yes.

21 Q. Do you know the other defendant here, Todd Lyons?

22 A. Yes, I do.

23 Q. And how do you know Todd Lyons?

24 A. Childhood friend.

25 Q. Did he grow up in Marblehead?

1 A. Yes.

2 Q. So you knew him since you were kids?

3 A. Into the middle school, high school years.

4 Q. You attended high school at about the same time?

5 A. Yes.

6 Q. Were you social friends?

7 A. Yes.

8 Q. Okay. Patrice Tierney is your mother?

9 A. Yes.

10 Q. And she's Robert Eremian and Daniel Eremian's sister --

11 A. Yes.

12 Q. -- is that fair to say? Now, the home that you're  
13 living in, who pays the bills for that?

14 A. Currently I am.

15 Q. Okay. So you're covering all the expenses of the  
16 home?

17 A. Yes.

18 Q. All right. And how long have you been doing that?

19 A. Since my grandmother passed away.

20 Q. And when was that?

21 A. You'd think I know, but I don't remember, four or five  
22 months ago.

23 Q. Okay. A recent event; is that fair to say?

24 A. Yes.

25 Q. And your grandmother lived in the main house?



1 A. Yes, she did.

2 Q. And she lived there for a long time; is that fair to  
3 say?

4 A. Yes.

5 Q. And you live in the main house now?

6 A. Yes.

7 Q. While your grandmother was living in the main house,  
8 where were you living?

9 A. Above the garage.

10 Q. Okay. And there's an apartment up there?

11 A. Yes.

12 Q. It's fair to say, sir, that over some period of your  
13 life you had some substance abuse issues?

14 A. Yes.

15 Q. And those issues led to your -- for you to have problems  
16 with the law; is that fair to say?

17 A. Yes.

18 Q. And you have a felony, at least, you have two felony  
19 convictions?

20 A. Yes, I do.

21 Q. One for domestic violence?

22 A. Yes.

23 Q. Domestic violence issue?

24 A. Yes.

25 Q. And one for distributing cocaine --

1 A. That's correct.

2 Q. -- is that fair to say? And you currently are on  
3 probation; is that right?

4 A. Yes, I am.

5 Q. Are you clean and sober today?

6 A. Yes, I am.

7 Q. And how long have you been clean and sober?

8 A. Coming up on four years.

9 Q. All right. Are you familiar with a company called  
10 SOS?

11 A. Yes, I am.

12 Q. And what is SOS?

13 A. SOS was Sports Off Shore.

14 Q. And who was the owner of SOS, the principal?

15 A. The principal?

16 Q. Who was in charge?

17 A. My Uncle Bob.

18 Q. All right. How did you first become familiar with  
19 SOS?

20 A. I moved down to Antigua with my uncle in the late '90s I  
21 believe it was.

22 Q. Okay. And that's primarily a gambling business,  
23 right?

24 A. Yes.

25 Q. Were you involved with your uncle prior to going to

1 Antigua in a gambling business?

2 A. Yes.

3 Q. And when did you first become involved with him?

4 A. I was 21 years old or 20 years old, I believe '97, '96,  
5 '97.

6 Q. I'm not talking about when you went down to Antigua, I'm  
7 talking about when you first became involved with him?

8 A. In the early '90s.

9 Q. Early '90s. How old would you have been at that time?

10 A. I believe I was high school, senior in high school.

11 Q. So you're a senior in high school, and what did you do  
12 for him?

13 A. I answered phones.

14 Q. And where were the phones?

15 A. Above the garage.

16 Q. Okay. And that's the apartment that you were living in  
17 for a long time now?

18 A. Yes.

19 Q. So this is in the early '90s?

20 A. Yes.

21 Q. And you answered phones taking bets; is that fair to  
22 say?

23 A. Yes.

24 Q. And you did that for years?

25 A. Yes.

1 Q. Do you recall an event that occurred at the end of 1995  
2 where those officers were searched?

3 A. Yes.

4 Q. By the State Police?

5 A. Yes.

6 Q. Okay. And how old would you have been about that time  
7 1995?

8 A. '95, I would have been 21.

9 Q. Were you there when it happened?

10 A. Yes, I was.

11 Q. And was that a disturbing event?

12 A. Yes, it was.

13 Q. Was your mother upset about that?

14 A. I believe she was upset, but I don't remember. I was in  
15 my own little world back then so I don't think I was  
16 communicating with her or my father.

17 Q. In addition to answering phones, did you do anything  
18 else in connection with the gambling business at that  
19 time?

20 A. I had some customers of my own.

21 Q. Okay. And what does that mean you had some customers?

22 A. I had some customers that wagered with us.

23 Q. So you were an agent?

24 A. Yes.

25 Q. You earned a commission?

1 A. Yes.

2 Q. And do you recall what your commission was at that  
3 time?

4 A. I believe it was 20 percent.

5 Q. Okay. And what does that mean? Can you explain that  
6 for the jury how you make money by having a customer who's  
7 betting with your uncle's gambling business?

8 THE COURT: This was when?

9 MR. WYSHAK: This is prior to the move to  
10 Antigua.

11 A. The customers would lose, and I'd get a percentage of  
12 the losses.

13 Q. So if I lost 100 bucks and you're a 20 percent agent,  
14 you get 20 percent, you'd get \$20?

15 A. Yes.

16 Q. Right?

17 A. Yes.

18 Q. And your uncle would get \$80?

19 A. Yes.

20 Q. And what if the customer won \$100?

21 A. Then I wouldn't make commission off it.

22 Q. You wouldn't earn a commission. Were you placed on  
23 makeup?

24 A. Yes.

25 Q. So when could you start earning commissions again?

1 A. After that 100 would be lost.

2 Q. Okay. So either that customer or another customer would  
3 have to lose \$100 again, right, so you could get back to  
4 even?

5 A. Yes.

6 Q. And then you could start earning commissions again?

7 A. Yes.

8 Q. That's the way makeup works?

9 A. Yes.

10 Q. Who else worked in the office with you during that  
11 period of time in the early '90s to mid-'90s?

12 A. Richard Sullivan, Craig Tatten, Chris Means and  
13 Nick Restuccia and my grandfather.

14 Q. Okay. How about a man named Richard Hanson, did you  
15 mention him?

16 A. No, I didn't mention him. He was in and out working.

17 Q. Okay. And you knew Richard Hanson?

18 A. Yes, I did.

19 Q. And your grandfather worked there?

20 A. Yes.

21 Q. And was he known as Big Bob?

22 A. Yes.

23 Q. And what did he do there?

24 A. I believe he corrected the wages.

25 Q. Okay. When you say corrected the wages, what does that

1 mean?

2 A. The following day he would come in and correct wins and  
3 losses.

4 Q. He'd figure out who won, who lost, who owed money, who  
5 you had to pay out?

6 A. I believe that was his job, yes.

7 Q. Okay. Now, after the search warrant was executed in  
8 late 1995, what happened to this business that was operating  
9 above the garage?

10 A. It no longer ran above the garage, we moved to a bar in  
11 Lynn.

12 Q. Okay. And do you remember the name of that bar?

13 A. I believe it was The Arena, The Arena Pub or  
14 something.

15 Q. Okay. So you knew that this was an illegal operation,  
16 correct?

17 A. Yes.

18 Q. And even though the business had been raided by the  
19 State Police, you continued to participate in it?

20 A. Yes.

21 Q. Were you afraid you were going to being prosecuted?

22 A. I was living a pretty crazy life, and it didn't matter  
23 to me at that point.

24 Q. So your uncle moved the business to The Arena Cafe'?

25 A. Yes.

1 Q. And continued to operate; is that fair to say?

2 A. Yes.

3 Q. And you stayed with him?

4 A. Yes.

5 Q. Did the rest of these people, Chris Means and Restuccia  
6 and Craig Tatten and Hanson all stay with him?

7 A. No, they would work off and on. It was always the same  
8 people.

9 Q. How long did you operate out of The Arena Cafe'?

10 A. Until we moved.

11 Q. Okay. Do you recall when you went to Antigua?

12 A. I don't recall the exact year, to be honest with you.  
13 If I were to guess, '96, '97.

14 Q. Okay. If I told you June, 1996, would that refresh your  
15 memory?

16 A. Yes.

17 Q. Does that sound right?

18 A. Yes.

19 Q. And why did you move to Antigua?

20 A. We were told that it was a safe place to move the  
21 business to and that there was a license purchased so that  
22 we could do what we were doing over there legally.

23 Q. Were you afraid of being prosecuted at that time?

24 A. No, because I didn't -- I wasn't told that I was being  
25 prosecuted under that case that happened back here in



1       Lynnfield. I didn't receive anything or was told.

2       Q. Was anybody concerned about what law enforcement had  
3       intended to do? Did you have a conversation with your uncle  
4       about that?

5       A. I believe he was the only --

6               MR. NURIK: Objection, your Honor, may we clarify  
7       which uncle?

8       Q. I'm sorry, your Uncle Robert?

9       A. I believe he was the only one that was being  
10      prosecuted.

11      Q. And what did he say to you about that? Did he say that  
12      was part of the reason why he wanted to move to Antigua?

13      A. We're moving to Antigua so it wouldn't happen again,  
14      that it was a legal place we were going to over in Antigua,  
15      he could purchase a license and do what we were doing over  
16      there.

17      Q. That's what he told you?

18      A. Yes.

19      Q. And you did go to Antigua; is that right?

20      A. Yes, I did.

21      Q. And who else went to Antigua with you?

22      A. Who went to Antigua with us, Jeff Stark went, my Uncle  
23      Bobby, Rick Hanson and I believe Chris Means.

24      Q. Did Richard Sullivan go?

25      A. Richard Sullivan, yes.

1 Q. Did your other Uncle Daniel go?

2 A. Not that I can recall.

3 Q. You don't recall him there?

4 A. I don't recall Danny coming OVER there the first time we  
5 left.

6 Q. Okay. Do you recall him there at all?

7 A. Yes.

8 Q. Okay. So what do you recall about that?

9 A. When we were getting everything together over there, I  
10 remember seeing Danny come in to visit. I don't recall -- I  
11 don't know what you're looking for me, I don't know what  
12 you're looking for me to recall.

13 Q. Okay. Well, let me ask you this. How long did you stay  
14 in Antigua?

15 A. I lasted -- I think I lasted until November of that  
16 year.

17 Q. November, '96?

18 A. Yes.

19 Q. And why did you leave?

20 A. It wasn't -- I didn't like -- well, I was drinking and  
21 drugging and gambling, and I couldn't really get my act  
22 together, and I asked, I told my Uncle Bobby I wanted out, I  
23 wanted to leave.

24 Q. Okay. Where did you go?

25 A. I moved back home to Revere.

1 Q. And did you continue working for SOS?

2 A. I did.

3 Q. And what did you do for SOS when you came back here?

4 A. I collected money.

5 Q. And what does that mean, collected money?

6 A. I would collect money from customers.

7 Q. Okay.

8 A. Or agents or whatever.

9 Q. Well, that's two different things, right, you had your  
10 own customers?

11 A. Yes.

12 Q. You had your own customers?

13 A. Yes.

14 Q. So you collected money from them, correct?

15 A. Yes.

16 Q. And did you collect money from other agents?

17 A. Yes.

18 Q. All right. So, just sort of working a little bit  
19 backwards, when you were in Lynnfield and I guess when you  
20 were working out of The Arena Cafe', you understood that  
21 there were other people like yourself who had customers who  
22 were agents, correct?

23 A. Yes.

24 Q. Earning a commission?

25 A. Yes.

1 Q. Did you know who they were when you were in Lynnfield?

2 A. No.

3 Q. Or when you were working out of The Arena Cafe'?

4 A. No.

5 Q. But at some point now when you come back after November,  
6 1996, you start collecting from some of these people?

7 A. Yes.

8 Q. And how do you learn who they were?

9 A. I would just know them as a number.

10 Q. Okay. Who gave you that information?

11 A. Richard would give me the information.

12 Q. Richard Sullivan?

13 A. Yes.

14 Q. Okay. And how would you get that information from  
15 Richard Sullivan?

16 A. I'd call down to the office.

17 Q. Did he give you names?

18 A. No, just numbers and where to meet people.

19 Q. And you did that for how long?

20 A. Not too long because I think that only lasted three or  
21 four months, and then I was told to come back down there.

22 Q. Okay. Well, let's talk a little bit about that period.

23 Were you paid a salary to do the collection work?

24 A. Yes.

25 Q. And how much were you being paid?

1 A. A thousand dollars a week.

2 Q. A thousand dollars a week?

3 A. Yes.

4 Q. And did you have books or records to keep track of  
5 this?

6 A. Yes.

7 Q. And where did you get those?

8 A. I had my own book that I got.

9 Q. You created them yourself?

10 A. Yes.

11 Q. And do you recall about how many people you were  
12 collecting money from during that period of time?

13 A. About a half a dozen.

14 Q. Of people who were agents?

15 A. Yes.

16 Q. And about how many customers did you have of your own,  
17 do you recall?

18 A. Around ten.

19 Q. All right. Did you have an agent number?

20 A. Yes.

21 Q. Back then?

22 A. Yeah, I don't remember. It switched all the time.

23 Q. Okay. And so how often did you collect from these  
24 people?

25 A. Every week.

1 Q. And what did you do with the money that you collected?

2 A. I would hold onto the money.

3 Q. For how long?

4 A. Until it got to a point.

5 Q. And then what did you do with it?

6 A. I'd bring it to my grandfather.

7 Q. Okay. Do you know what he did with it after that?

8 A. I don't. It was none of my business.

9 Q. Excuse me?

10 A. It was none of my business. I don't know what he did  
11 with it.

12 Q. Okay. Well, did you understand he was sending it to  
13 your uncle?

14 A. No.

15 Q. Did you think --

16 A. I was just told to drop it off to him.

17 Q. Who told you that?

18 A. Bob would.

19 Q. Bob Eremian?

20 A. Yes.

21 Q. Okay. Now, you said that you only did this for three or  
22 four months?

23 A. I believe, yeah.

24 Q. And then something happened?

25 A. Yes.

1 Q. What happened?

2 A. I was called and told that the feds were onto me.

3 Q. Who told you that?

4 A. It was either Richard or Bob, I couldn't be exact as to  
5 who it was.

6 Q. And what did that mean, the feds were onto you?

7 A. I was told to get out of town and come back down to  
8 Antigua.

9 Q. Did you understand that when you were here in  
10 Massachusetts what you were doing was illegal?

11 A. At that point I did.

12 Q. It's clear to you, correct?

13 A. Yes.

14 Q. Clear as a bell?

15 A. Yes.

16 Q. And you got this call, get out of town, right?

17 A. Yes.

18 Q. What did you do?

19 A. I hopped on a plane and got out of town.

20 Q. Okay. Did you -- what did you do with your books?

21 A. I met Mr. Lyons.

22 Q. So, do you recall where you met Mr. Lyons?

23 A. Where I met him?

24 Q. Yes, what happened, tell us?

25 A. I got a call, I met Mr. Lyons at Building 19 parking

1 lot.

2 Q. Where was that?

3 A. In Lynn.

4 Q. Okay.

5 A. Told him I needed to get out of town and handed him the  
6 books, and I told him I'll call him when I get to Antigua  
7 but I had to get out of town.

8 Q. Did you do that because somebody told you to turn the  
9 books over?

10 A. I was asked to find someone that I trust to hand over  
11 what I had on me and the books.

12 Q. All right. So who told you that?

13 A. Either Richard or Bob.

14 Q. So they told you to leave town and find somebody else to  
15 do the collect work?

16 A. Yes.

17 Q. And why did you pick Todd Lyons?

18 A. He was a good friend of mine who had bet in the past and  
19 knew me, and he was the only person I could trust. I didn't  
20 really trust anybody else.

21 Q. And what did you say to Todd Lyons when you met him in  
22 the parking lot of Building 19 in Lynn?

23 A. I said here's a book, here's some money, I'm going to  
24 call you when I get to Antigua, but I have to get out of  
25 here now.



1 Q. Okay. Well, did he understand that the book and the  
2 money you were giving him was related to the bookmaking  
3 business?

4 A. I believe so.

5 Q. Did you tell him that?

6 A. Yeah.

7 Q. Okay. And did you tell him you wanted him to --

8 A. I didn't --

9 Q. -- resume collections?

10 A. No, I just gave him the book and the money, and I said  
11 I'll call you when I get to Antigua because I didn't know  
12 what was going to happen, to be honest with you.

13 Q. Okay. Did you go to Antigua?

14 A. Yes, I did.

15 Q. How quickly did you return to Antigua?

16 A. How quickly?

17 Q. Yes.

18 THE COURT: Yes. What month?

19 THE WITNESS: February or March.

20 THE COURT: '97?

21 THE WITNESS: '98, I believe.

22 Q. Well, you told us you went to Antigua in June, '96,  
23 right?

24 A. Okay, yeah.

25 Q. Came back in November?

1 A. Of '96, okay, so '97, February of '97 or March of '97.

2 Q. February of '97. How long after you got the phone call,  
3 the "get out of town" phone call did you go back to  
4 Antigua?

5 A. Within an hour.

6 Q. Within an hour?

7 A. Within an hour I was back on a plane.

8 Q. So immediately you met with Mr. Lyons and went to Logan  
9 Airport?

10 A. Yes.

11 Q. And went back to Antigua?

12 A. Yes.

13 Q. And how long did you stay in Antigua again?

14 A. I only lasted a few months down there.

15 Q. Why did you return?

16 A. I was asked to leave the island by my uncle.

17 Q. So you continued to have problems with your uncle?

18 A. It was my drugs and alcohol and gambling and a lot of  
19 craziness that I was doing down there.

20 Q. So he asked you to leave?

21 A. Yes.

22 Q. Sent you home?

23 A. Yes.

24 Q. And did you come home?

25 A. Yes, I did.

1 Q. What did you do when you got home?

2 A. I was told to call the feds and let them know I was  
3 home.

4 Q. Who told you to do that?

5 A. My Uncle Bob.

6 Q. And did you do that?

7 A. Yes, I did.

8 Q. And as a result of doing that, what happened?

9 A. Two federal agents showed up at my friend's house in  
10 Revere and served me.

11 Q. And you subsequently testified before a federal grand  
12 jury?

13 A. Yes, I have.

14 Q. Back at that time?

15 A. Yes.

16 Q. Did you continue to act as an agent for SOS after you  
17 returned from Antigua that second time?

18 A. I believe the second time, I was -- after I was told to  
19 turn myself in, no, because of the way my lifestyle was down  
20 there was continuing here, and he wanted me to just turn  
21 myself in. So, no, I did not become an agent or a collector  
22 again.

23 Q. Well, there was a time when you did become an agent  
24 again; is that fair to say?

25 A. Yes, it was after a couple years of clearing my act up

1 or staying out of prison.

2 Q. Okay. How did that come about that you became an agent  
3 again?

4 A. I believe it was years down the road that I had asked if  
5 I could try some customers again and open them up.

6 Q. And who did you ask to do that?

7 A. My Uncle Bob.

8 Q. And he allowed you to do that?

9 A. Yes.

10 Q. Okay. You understood that at that time what you were  
11 doing was illegal?

12 A. Yes.

13 Q. And who did you settle up with, so to speak?

14 A. Excuse me.

15 Q. Who did you settle up with? After you collected money  
16 from your customers, what did you do with the money?

17 A. I held onto it.

18 Q. You always held onto it?

19 A. Yes, I never -- my customers were small customers, and I  
20 never got to a large quantity.

21 Q. So you never had to pay it over to your uncle?

22 A. No.

23 Q. Kept it all yourself?

24 A. Spent -- yeah, and spent it.

25 Q. Okay. I'm going to show you what's been marked Exhibit

1       70, I'm sorry, 170. Do you recognize that document?

2       A. Yes.

3       Q. Okay. What is it?

4       A. It's a check.

5       Q. Is it a check in payment of a gambling debt?

6       A. Yes.

7               MR. WYSHAK: At this time I offer it, your  
8       Honor.

9               THE COURT: All right.

10              ( Check was admitted into evidence as Government  
11       Exhibit No. 170.)

12       Q. While I'm up here, I show you also what has been marked  
13       Exhibit 171. Is that also a check?

14       A. Yes.

15       Q. And is that in payment of a gambling debt?

16       A. Yes.

17              MR. WYSHAK: And I offer 171, your Honor.

18              MR. NURIK: I object, your Honor. May I approach?

19              THE COURT: Can this wait or not for the break?  
20       Do you need it for the sequence?

21              MR. WYSHAK: I can do 170 if 170 isn't an issue.

22              THE COURT: 170 is in already.

23              MR. WYSHAK: Can we put 170 up?

24       Q. Showing you what's been marked Exhibit 170, that's a  
25       check from an individual, Eric Stone, correct?

1 A. Yes.

2 Q. And who was Eric Stone?

3 A. Eric Stone was a customer of mine.

4 Q. He bet with SOS?

5 A. Excuse me.

6 Q. He bet with SOS?

7 A. Yes.

8 Q. Just so the jury understands, if you recruit a customer  
9 like Eric Stone --

10 A. Yes.

11 Q. -- how does he get to bet with SOS? What do you have to  
12 do?

13 A. I would give him a number to call. I would set him up a  
14 number.

15 Q. You'd set him up, right?

16 A. Yes.

17 Q. And how would you set him up?

18 A. I would call down and open up a number.

19 Q. You would have to open up an account for him, correct?

20 A. Yes.

21 Q. And would you get him like a code number?

22 A. Yes.

23 Q. And do you call again, you know, I think I asked you  
24 this before, what was your agent number? Do you remember  
25 being agent 1,000?

1 A. Yes.

2 Q. Okay. So you get him a number in that series?

3 A. Yes.

4 Q. And did he need a password?

5 A. Yes.

6 Q. So you'd have to get him those, a code number and a  
7 password before he could place a call or place a bet over  
8 the Internet; is that fair to say?

9 A. The customer would set up their own password.

10 Q. All right. You wouldn't know the customer's password?

11 A. No.

12 Q. All right. But you had to get him a code number?

13 A. Yes.

14 Q. Without having that code number, he can't log into the  
15 website; is that right?

16 A. Correct.

17 Q. They're not going to take a call from him over the 800  
18 number?

19 A. Correct.

20 Q. And that's because he's betting on credit?

21 A. Yes.

22 Q. Okay. And people who bet on credit like Eric Stone,  
23 could they bet a million dollars?

24 A. Do they bet a million dollars?

25 Q. Could they? Could they?

1 A. No.

2 Q. Okay. So how did SOS manage that?

3 A. I would set a limit for him.

4 Q. When you say set a limit, can you explain to the jury  
5 what that means?

6 A. As to how much that I felt he could lose in a week.

7 Q. And approximately what would that number be like?

8 A. Or if I had this check here, he probably had a \$5,000 or  
9 \$10,000 limit.

10 Q. So you'd tell SOS to put a 10,000 limit on it?

11 A. Yes.

12 Q. So he couldn't bet more than 10,000 per week?

13 A. Yes.

14 Q. What if Eric Stone -- if he won, then you'd go on  
15 makeup; is that fair to say?

16 A. Yes.

17 Q. Until he started losing again?

18 A. Yes.

19 Q. And you recovered the amount that he had won from SOS?

20 A. Yes.

21 Q. Now, during this period of time when you are acting as  
22 an agent, approximately this check is dated, for example --  
23 I'm sorry, December 30th, 2003; is that correct?

24 A. Yes.

25 Q. All right. So during that period of time, you're acting



1 as an agent?

2 A. Yes.

3 Q. Did you have any interaction with Todd Lyons during that  
4 period?

5 A. No.

6 Q. So you weren't meeting with him to get money or you  
7 weren't meeting with him to settle up or anything like  
8 that?

9 A. No.

10 MR. WYSHAK: If there's an issue regarding the  
11 next check, your Honor, maybe this would be a good time for  
12 a break.

13 THE COURT: All right, that's fine, we'll take our  
14 afternoon break and be back around 11:25, that's fine.

15 THE CLERK: All rise.

16 (JURORS EXITED THE COURTROOM.)

17 (A recess was taken.)

18 (THE FOLLOWING OCCURRED AT SIDEBAR:)

19 MR. WYSHAK: This is the one that's in.

20 THE COURT: 170.

21 MR. WYSHAK: They're objecting, I don't understand  
22 that.

23 THE COURT: Why are you objecting to one and not  
24 the other?

25 MR. HORSTMANN: Well, I would object to the other,

1 but it came in until I actually found it in my binder. This  
2 is the beginning of the avalanche. These are not checks  
3 that are identified in the indictment. There was no  
4 foundation to them going in to begin with, that these are  
5 related to sports betting that these are related to --

6 MR. WYSHAK: That's not true, I asked the  
7 witness.

8 THE COURT: You lay the foundation, if you do,  
9 I'll let that in.

10 MR. WYSHAK: Okay. Maybe you want to look at this  
11 one, too, because this is probably one --

12 THE COURT: Mr. Chew said both of these were  
13 betting. Now it is true that I'm not sure he said it was  
14 sports betting, but I've not heard of any other kind, so  
15 just ask that question.

16 MR. HORSTMANN: We've seen the website has three  
17 different variations.

18 MR. WYSHAK: Does it matter?

19 MR. HORSTMANN: You charged as sports betting.

20 THE COURT: Excuse me, I don't think legally it  
21 asserts that theory, it doesn't say sports betting, it says  
22 Internet betting.

23 MR. HORSTMANN: The indictment charges nothing but  
24 sports betting.

25 THE COURT: You're claiming it's a variance, not a

1 legal matter. The statute only covers one vs. the other.

2 MR. NURIK: At a minimum.

3 THE COURT: It may be relevant.

4 MR. WYSHAK: Now this one, the next time we have a  
5 check from Mr. Stone, it's made out to Todd. You'll see  
6 that this one is January 30th of 2003 so actually this is  
7 prior to those checks from John.

8 THE COURT: How is he going to put it in?

9 MR. WYSHAK: Well, I was going to ask him how come  
10 Mr. Stone is writing out checks to Todd. I will offer this  
11 subject to connection.

12 THE COURT: Mark it for ID because if he can't put  
13 it in, then it doesn't come in through him. Let's take a  
14 break.

15 (A recess was taken.)

16 THE CLERK: All rise.

17 THE COURT: Bring in the jury. We think we fixed  
18 the screen so hopefully we won't have a problem anymore.

19 THE CLERK: All rise for the jury.

20 ( JURORS ENTERED THE COURTROOM.)

21 THE COURT: You may be seated. We think we fixed  
22 the screen because I went afterwards and we could see like a  
23 shimmering. We're not positive. Let us know, okay. All  
24 right. Why don't we continue.

25 MR. WYSHAK: I just want the record to reflect,

1       your Honor, that we offered Exhibit 171.

2                   THE COURT: Yes, allowed.

3                   ( Check was admitted into evidence as Government  
4       Exhibit No. 171.)

5       Q. Mr. Chew, this is a second check now from Mr. Stone. Do  
6       you see that?

7       A. Yes.

8       Q. And is that also a payment for a gambling debt?

9       A. Yes.

10      Q. And, by the way, these are -- what kind of betting was  
11      Mr. Stone doing?

12      A. Small at first and then larger.

13      Q. Was he betting on sports?

14      A. Yes.

15      Q. Okay. Is it fair to say that the vast majority of your  
16      customers were betting on sports?

17      A. Yes.

18      Q. Did you have any customers who bet on the casino?

19      A. On a casino?

20      Q. Yes.

21      A. No.

22      Q. So this business that your uncle was running to your  
23      knowledge was a primarily sports betting business?

24      A. Yes.

25      Q. Now, there's a notation in the memo. Can you read that?

1 It says "work, paint"?

2 A. "Work, paint."

3 Q. Do you see that?

4 A. Yes, I do see that.

5 Q. This wasn't a payment for any painting you did for  
6 Mr. Stone, was it?

7 A. No.

8 Q. Do you know why he wrote that in the memo?

9 A. I don't. I don't even remember him writing that.

10 Q. Now, I want to show you a document, Exhibit 169 for  
11 identification, your Honor. Do you see that document?

12 A. Yes, I do.

13 Q. And that appears -- well, I'll withdraw that. Prior to  
14 Mr. Stone being a customer of yours --

15 A. Yes.

16 Q. -- do you know if he was a customer of somebody else's  
17 associated with SOS?

18 A. That I do not know.

19 Q. I asked you before what happened to your customers after  
20 you came back from Antigua that second time?

21 A. The second time?

22 Q. Yes.

23 A. I didn't have them any longer.

24 Q. Okay. Do you know if anybody else picked them up?

25 A. I believe that I had given -- I lost a bunch of my

1 customers. I wasn't working with them anymore, I assumed  
2 that when I had given Todd the book that Todd had my  
3 customers or was dealing with them. I'm not sure who was  
4 dealing with them. I know I wasn't.

5 Q. Okay. And you told us that after you went back to  
6 Antigua for that second time prior to leaving, you met  
7 Mr. Lyons at a parking lot and gave him all the information;  
8 is that right?

9 A. Yes.

10 Q. Did you tell him why you were doing that?

11 A. I told them that I was running from the feds.

12 Q. You told us that you told him that you would call him  
13 when you got to Antigua. Did you do that?

14 A. Correct, I did not speak with him.

15 Q. Do you know if anybody did?

16 A. I believe either Mr. Sullivan or my Uncle Bob would have  
17 spoken with him.

18 Q. Did you have an agreement with your uncle to participate  
19 in the profits of this business?

20 MR. NURIK: Objection. Which uncle?

21 Q. I'm sorry, your Uncle Robert Eremian?

22 THE COURT: Every time you pop up, I'm going  
23 through all the evidentiary rules in my mind, and I never  
24 remember it's just about the name, so if we could just be  
25 careful.

1 A. What was the question again, please?

2 Q. Did you have an agreement with your Uncle Robert Eremian  
3 when you first went to Antigua to share in the profits of  
4 this business?

5 A. We were told that we'd make a percentage if the business  
6 did well.

7 Q. And did that work out?

8 A. No.

9 Q. Were you disappointed with that, is that one of the  
10 reasons you left?

11 A. No, I left because I was pretty screwed up on drugs and  
12 gambling and other extracurricular activity that he wasn't  
13 too happy with.

14 Q. When you went down the first time, did you carry any  
15 money with you?

16 A. Yes.

17 Q. How much money?

18 A. I believe it was 40,000.

19 Q. And how did you do that?

20 A. On my waist.

21 Q. Who did you get the money from?

22 A. My uncle.

23 Q. Were you -- your Uncle Robert, right?

24 A. Yes.

25 Q. Okay. And when did he give you the money?

1 A. Before we left. I don't know exactly when or where.

2 Q. Did you notice at the airport that if you're carrying  
3 over \$10,000 in cash out of the country, you have to file a  
4 report?

5 A. I noticed that once I got to the airport.

6 Q. And did you have a conversation with him about that?

7 A. No.

8 Q. Did you fill out a report?

9 A. No.

10 Q. Were you the only one carrying cash on your person to  
11 Antigua?

12 A. No.

13 Q. Who else carried cash?

14 A. I believe everyone that came with us.

15 Q. Do you know if anybody filed a currency transaction  
16 report?

17 A. I don't know.

18 Q. You didn't, correct?

19 A. I did not.

20 Q. And when you -- you told us that you went there a second  
21 time in February of 1997. Did you carry cash down that time  
22 as well?

23 A. Yes, I did.

24 Q. How much?

25 A. I believe it was \$30,000.



1 Q. And where did you get that cash from?

2 A. That was from my collecting.

3 Q. All right. And who told you to bring it with you?

4 A. It was either Richard or Bob.

5 Q. And did you report that to the authorities when you were  
6 leaving the country?

7 A. No, I did not.

8 Q. All right. Now, you told us that when you were down in  
9 Antigua at some point your Uncle Daniel showed up; is that  
10 fair to say?

11 A. Yes.

12 Q. Did he actually accompany you to Antigua on your second  
13 trip?

14 A. No, not that I recall.

15 Q. Was he still there the second time you went down?

16 A. No.

17 Q. Do you know what, if any, role he played with SOS after  
18 you left Antigua for the second time?

19 A. No.

20 Q. Well, do you know if he's an agent for SOS?

21 A. I wouldn't know.

22 Q. You don't know that?

23 A. No, I don't.

24 Q. Didn't you tell -- well, didn't you call your  
25 Uncle Danny to try to get back into business with your

1       Uncle Bob?

2       A.   In the past year.

3       Q.   Okay.   Why would you do that?

4       A.   To communicate to my Uncle Bob.

5       Q.   And why would Dan have anything to do with getting you a  
6       job with SOS?

7               MR. NURIK:   Objection, assumes facts not in  
8       evidence.

9       Q.   I'm asking you why would you call your Uncle Dan to try  
10       to get a job with SOS if he had nothing to do with SOS?

11       A.   Because I didn't know how to communicate with my  
12       Uncle Bob with everything that was going on.   I was nervous  
13       to call on my own phone.

14       Q.   Is it your testimony under oath, Mr. Chew, that you were  
15       not aware that your Uncle Daniel was an agent for SOS?

16       A.   That's correct.

17       Q.   You did not know that?

18       A.   I didn't know if he was an agent for SOS.

19       Q.   All right.   Now, you told us that you're living in the  
20       house on Salem Street?

21       A.   Yes.

22       Q.   Correct?   And that's your uncle's house, correct?

23       A.   Yes.

24       Q.   And you've been paying all the bills since your  
25       grandmother died?

1 A. Yes.

2 Q. Who paid the bills before your grandmother died?

3 A. I believe it was my mother.

4 Q. Okay. And you've lived there in the past previously,  
5 correct, over the years?

6 A. Yes.

7 Q. From time to time?

8 A. Yes.

9 Q. Always in that apartment above the garage until  
10 recently?

11 A. In the house years ago.

12 Q. Okay. And it was always your mother who paid the  
13 expenses for the house?

14 A. That's what I believe.

15 MR. WYSHAK: I have nothing further, your Honor.

16 MR. NURIK: I have no questions.

17 THE COURT: You have no questions?

18 MR. NURIK: Not at this point.

19 CROSS-EXAMINATION

20 BY MR. HORSTMANN:

21 Q. Good morning, Mr. Chew.

22 A. Good morning.

23 Q. Directing your attention to the period of time that you  
24 first spoke to Mr. Lyons about looking after your customers,  
25 I believe you testified this morning that you told Mr. Lyons

1     that you were running, correct?

2     A.   That's correct.

3     Q.   Did you tell him what you were running from?

4     A.   The feds.

5     Q.   Did you tell him what charges?

6     A.   I didn't know what charges could even be against me.  I  
7     hadn't been -- no.

8     Q.   You knew that some --

9     A.   I knew I was supposed to get out of town.

10    Q.   So he had no reason to infer that what you were giving  
11    him had anything to do with an illegal operation, correct?

12    A.   No.

13    Q.   You were handing him some agents who you collected from  
14    as a runner, correct?

15    A.   Yes.

16    Q.   And some customers of yours who made bets with SOS who  
17    you either collected from or paid, correct?

18    A.   Yes.

19    Q.   And at this point in time what was happening in the  
20    business was that betters would call SOS in Antigua and  
21    place bets, correct?

22    A.   Yes.

23    Q.   They weren't placing bets through you, right?

24    A.   That's correct.

25    Q.   Or they would place them online, correct?

1 A. That's correct.

2 Q. The website was up and running in 1997, correct?

3 A. Yes.

4 Q. And periodically you would get a phone call from  
5 somebody at SOS instructing you to pick up money or pay  
6 money to other agents, correct?

7 A. Yes.

8 Q. And that's all that you were handing off to Mr. Lyons,  
9 right?

10 A. Yes.

11 Q. All right. And at some point you came back in 1997,  
12 correct?

13 A. Yes.

14 Q. And you took over your old role in terms of collecting  
15 from agents, correct?

16 A. Yes.

17 Q. And you took some of your old customers back, correct?

18 A. Which year are we discussing here, the first time I came  
19 back or the second?

20 Q. 1997 when you came back.

21 A. Was that the first time I came back or the second? I  
22 can't correlate.

23 Q. Do you remember a time you were subpoenaed to testify  
24 before the grand jury?

25 A. Yes.

1 Q. If I represented to you that that was in April of '97,  
2 was that the first or second time you came back?

3 A. I don't recall. I don't know exactly.

4 Q. All right. Why are you drawing a distinction between  
5 the first time you came back and the second time you came  
6 back in terms of whether you took your old customers back?

7 A. Because at certain points I wasn't allowed to have  
8 customers. After I was flown off the island the second  
9 time, I was no longer to have anything to do with SOS.

10 Q. But eventually you worked your way back in, right?

11 A. Yes, years later.

12 Q. Okay. And when you worked your way back in, you had  
13 your own agent number, correct?

14 A. Yes.

15 Q. And your own customers, correct?

16 A. Yes.

17 Q. And you still, it was the same situation where customers  
18 would place bets online, correct?

19 A. Yes.

20 Q. And you would either pay them or collect from them  
21 depending on the results, correct?

22 A. Yes.

23 Q. And you were aware, were you not, that the website  
24 allowed customers to not only place bets on sporting events  
25 but to participate in an online casino with casino-type

1 games, correct?

2 A. I don't recall the casino. The casino, I believe, was  
3 later down the line. I don't remember the casino.

4 Q. Do you know when the casino was added?

5 A. I have no idea.

6 Q. Do you remember the horse racing?

7 A. Yes.

8 Q. Was horse racing part of the website in 1997?

9 A. I don't believe it was. I think we wrote the horses  
10 down on paper.

11 Q. You remember taking bets for horse racing in '97?

12 A. I believe so.

13 Q. When you were in Antigua?

14 A. I believe so.

15 Q. And when was that, the first time or the second time?

16 A. I don't recall that.

17 Q. All right. But some time prior to April of '97,  
18 correct?

19 A. Yes.

20 Q. All right. At some point the website allowed for  
21 betting on horse races, correct?

22 A. I don't know that. I don't remember that. I don't  
23 remember the website allowing the horse races.

24 Q. Okay.

25 MR. HORSTMANN: Can we have page 30, please,

1 from -- I'll move on. It's easier than I thought.

2 Q. Directing your attention to what's been marked in  
3 evidence as Exhibit 30, do you recognize this screen shot?

4 A. No.

5 Q. Did you spend time on the SOS website?

6 A. I spent plenty of time on this, yes.

7 Q. And this doesn't look familiar to you?

8 A. No.

9 Q. What's different about it?

10 A. All the options on the top of the page, the whole setup  
11 of everything.

12 Q. All right. With respect to the top of the page, it  
13 indicates that there's a sports book, a racebook and casino,  
14 correct?

15 A. Yeah, I don't recall that at all.

16 Q. All right. So what you're recalling if it existed is  
17 from an earlier time period, correct?

18 A. Excuse me.

19 Q. What you're recalling if it existed is from an earlier  
20 time period, correct?

21 A. Correct.

22 Q. And you bet with other online offshore casinos,  
23 correct?

24 A. Correct.

25 Q. So as you sit here today, you don't have a clear memory



1 of what each of those individual websites looked like,  
2 right?

3 A. No.

4 Q. All right. Do you remember a website called  
5 BetEagle.com?

6 A. Yes.

7 MR. WYSHAK: Objection, your Honor. What's the  
8 relevance?

9 THE COURT: Overruled.

10 Q. Did you bet with BetEagle.com?

11 MR. WYSHAK: Objection.

12 THE COURT: Overruled.

13 A. Yes.

14 Q. When you bet with BetEagle.com, did you have an agent?

15 A. Yes.

16 Q. Who was your agent?

17 A. Todd Weaver.

18 Q. Do you know an individual by the name of  
19 Chris Michaud?

20 A. Yes.

21 Q. Was Mr. Michaud an agent for BetEagle?

22 A. I don't know if it was BetEagle.

23 Q. Was he an agent for someone else?

24 A. I believe so.

25 Q. Who was he an agent for?

1 A. BetUS.

2 Q. Okay. And Mr. Michaud was someone that you introduced  
3 Mr. Lyons to, correct?

4 A. Correct.

5 Q. And that was at a later point in time in 2004,  
6 correct?

7 A. I don't recall the date to be honest with you.

8 Q. Well, when you were able to -- after you were kicked out  
9 of SOS and you were able to develop your business again --

10 A. Yes.

11 Q. -- was there a period of time after that that you  
12 transferred your business to Mr. Lyons?

13 A. You're asking me if I transferred my customers?

14 Q. To Mr. Lyons a second time after --

15 A. I believe so, yes.

16 Q. And Mr. Michaud was one of those customers, correct?

17 A. That's correct.

18 Q. And at that time Mr. Michaud was also an agent for  
19 BetUSA, correct?

20 A. That is correct.

21 Q. And Mr. Michaud was one of your subagents, right?

22 A. I don't know what you mean by a subagent.

23 Q. You never had subagents?

24 A. No.

25 Q. You don't know what a subagent is?

1 A. No.

2 Q. Do you remember giving Mr. Lyons a list of your  
3 customers at any point in time?

4 A. The Building 19 parking lot.

5 Q. All right.

6 A. Other than that I can't remember a time that I handed  
7 him names of customers, no.

8 MR. HORSTMANN: May I approach the witness, your  
9 Honor?

10 THE COURT: Yes.

11 Q. I'm showing you a sheet with handwritten notations on  
12 it.

13 A. Okay.

14 Q. I ask if you recognize your handwriting.

15 A. Yes, I do.

16 Q. That's your handwriting on that sheet?

17 A. Yes, it is.

18 Q. What else is on that sheet?

19 A. What else is on that sheet?

20 Q. What do those notes relate to is probably a better  
21 question?

22 A. Customers.

23 Q. Okay. Are those customers that you remember giving to  
24 Mr. Lyons in 2004?

25 A. Yeah, I don't remember a Freddie and then there's a

1 C-h-a-r. I don't know what that is.

2 Q. But it's in your handwriting?

3 A. Not the C-h-a-r, I don't know who that is, and Freddie  
4 is in my handwriting, yes.

5 Q. And is Mich in your handwriting?

6 A. Yes.

7 Q. And that refers to Mr. Michaud?

8 A. Yes.

9 MR. HORSTMANN: Your Honor, I offer this as  
10 Defendant's 302.

11 MR. WYSHAK: No objection.

12 THE COURT: All right.

13 ( Handwritten notations were admitted into  
14 evidence as Defendant's Exhibit No. 302.)

15 MR. HORSTMANN: May I just lay it on the overhead?

16 THE COURT: Yes.

17 Q. Mr. Chew, showing you what's been marked as Defendant's  
18 Exhibit 302, is this the notes we've just been discussing?

19 A. Yes.

20 Q. All right. Taking you through the list, the No. 554,  
21 Dana, do you recall who that individual was?

22 A. Yes.

23 Q. Who was that?

24 A. Dana Kessel.

25 Q. And was he a customer of yours in 2004?

1 A. Yes.

2 Q. And did you transfer him to Mr. Lyons in 2004?

3 A. I don't recall who I transferred. I know I transferred,  
4 must have transferred customers, but I don't know when this  
5 piece of paper was written.

6 Q. All right. Well, if I were to represent to you that  
7 this piece of paper was found during a search of Mr. Lyons'  
8 home in 2006 --

9 A. Okay.

10 Q. -- would that indicate to you whether you transferred  
11 these customers to him?

12 A. Would it indicate, I know that's my writing. I know  
13 those are my customers. I don't know when it transpired as  
14 to when it was given to you, it could have been 15 years  
15 ago, it could have been a year ago.

16 Q. It couldn't have been 15 years?

17 A. I understand, I'm just saying I don't recall an exact  
18 date or a time frame for you.

19 Q. But you remember who your customers were in '97, right?

20 A. Yes, I do.

21 Q. These were not your customers in '97?

22 A. They were not.

23 Q. I'm asking you.

24 A. I don't know.

25 Q. Do you remember Mr. Michaud being a customer in 1997?

1 A. I don't believe so.

2 Q. So, some time after 1997 that you acquired at least some  
3 of these customers, right?

4 A. Yes.

5 Q. 558, 559 and 560 are Frank, Jay and Name. Do you recall  
6 who those individuals were?

7 A. Yes.

8 Q. Who were they?

9 A. I don't know their last names.

10 Q. Okay.

11 A. They worked at the Verizon store.

12 Q. Okay. They're individuals you had met at the Verizon  
13 store?

14 A. Correct.

15 Q. 562 is Ricky. Who's Ricky?

16 A. That I don't know.

17 Q. But it's your handwriting, right?

18 A. That is my handwriting.

19 Q. Okay. 566 is Brian?

20 A. I don't recall him either.

21 Q. And you have the initials RA written over 502, Mich?

22 A. Correct.

23 Q. That's Mr. Michaud, right?

24 A. Yes.

25 Q. Doesn't RA indicate an indication for an agent?

1 A. That I don't recall. I don't remember what RA stood  
2 for. I remember seeing it, but I don't remember what it  
3 stands for.

4 Q. And it's in your handwriting, right?

5 A. Correct.

6 Q. All right. And you don't remember the concept of having  
7 a subagent when you were an agent for SOS?

8 A. No.

9 Q. Okay. Do you recall what your agent number was at this  
10 point in time when you had these customers?

11 A. Do I remember what it was?

12 Q. Yes.

13 A. No.

14 Q. Do you recall being Agent 500 at one point in time?

15 A. I would assume if these are my customers that I may have  
16 been 500.

17 Q. Because the 500 series is represented here, correct?

18 A. Yes.

19 Q. And is that the way SOS was setting up its agents and  
20 better numbers at that point in time?

21 A. Yes.

22 Q. If you were Agent 700, you had a 700 series of better  
23 numbers, correct?

24 A. Yes.

25 Q. All right. And for RA 502, Mr. Michaud, you don't

1 recall, as you sit here today, whether he was a subagent of  
2 yours or not?

3 A. I don't recall, no.

4 Q. Okay. And with respect to the next referenced customer,  
5 there's once again an RA 509, it looks like John?

6 A. Yes.

7 Q. Does that -- do you know who that individual was?

8 A. I don't.

9 Q. And 513, Freddie?

10 A. I don't recall who Freddie was either.

11 Q. And those once again are in your handwriting, correct?

12 A. Yes.

13 Q. So at least at some point after 1997 you transferred  
14 another series of customers to Mr. Lyons, correct?

15 A. Yes.

16 Q. And you were still betting pretty heavily at that point  
17 in time, correct?

18 A. I believe so, yes.

19 Q. And you were, as you testified, taking drugs and  
20 drinking alcohol and fighting and getting in trouble with  
21 the law, correct?

22 A. That's correct.

23 Q. You had a lot going on at that point in time?

24 A. Yes.

25 Q. Were you trying to bet with SOS under better numbers at



1     that time?

2     A.   No.   When I had my own customers, I'd make up  
3     customers.

4     Q.   All right.   And --

5     A.   Make up customers so I could play under them.

6     Q.   Okay.   Do you think it's possible that for this point in  
7     time that some of the names that were on this sheet were  
8     customers that you made up?

9     A.   Could have been, yes.

10    Q.   All right.   And that you were giving Mr. Lyons customers  
11    who didn't exist, correct?

12    A.   Probably, yes.

13    Q.   But not Mr. Michaud, right?

14    A.   What about Mr. Michaud?

15    Q.   Mr. Michaud you didn't make him up, right?

16    A.   No.

17    Q.   And it's your memory that you transferred him to  
18    Mr. Lyons, correct?

19    A.   Yes.

20    Q.   And at the time where did Mr. Michaud work?

21    A.   I believe he worked in Boston at Fidelity.

22    Q.   Okay.   And with respect to the point in time that  
23    Mr. Michaud was betting with you, he was a fairly frequent  
24    better, correct?

25    A.   Yes.

1 Q. He would bet on a weekly basis, correct?

2 A. Yes.

3 Q. And did you ever meet any of his work colleagues?

4 A. No, I did not.

5 Q. Were you ever aware that he was taking bets for SOS from  
6 other individuals?

7 A. Was I aware that he was taking bets?

8 Q. Yes.

9 A. No.

10 Q. But you were aware that he was an agent for another  
11 offshore company called BetUSA, correct?

12 A. Yes, yes.

13 Q. And with respect to the point in time that you relocated  
14 to Antigua, it was your understanding from your Uncle Bob  
15 Eremian that the reason he was moving down there was because  
16 he found an island, a country where he could get a license  
17 to operate an online casino, correct?

18 A. Yes.

19 Q. And he had searched other places in order to find one,  
20 correct?

21 A. Yes.

22 Q. All right. And is it fair to say that he was persuasive  
23 with individuals that he was recruiting to go down to  
24 Antigua with him to help set this up?

25 A. Persuasive in what way?

1 MR. WYSHAK: Objection.

2 Q. He was presenting this to be a business opportunity for  
3 people who were willing to go down with him to help set it  
4 up?

5 A. Yes.

6 Q. And it was presented that way to you, correct?

7 A. Yes.

8 Q. And it was presented to you as something that would  
9 legalize what he had been doing in Lynnfield previously that  
10 had resulted in the search, correct?

11 A. That would legalize it?

12 Q. Yes.

13 A. I'm not following you.

14 Q. It would be a legal operation in Antigua, correct?

15 A. Say this again, please.

16 Q. Well, what did your Uncle Bob say to you about --

17 A. We're moving to an island where it's legal to do what  
18 we're doing here, we have a license, everything is legal and  
19 legit.

20 Q. And with respect to the representations that Bob Eremian  
21 made to you, that was consistently his position during the  
22 time that you were down there, correct?

23 A. I'm not following you.

24 Q. What you were setting up in Antigua was legal?

25 A. Yes.

1 Q. And when you came back here and were collecting money  
2 from agents and from your betters, it was legal, correct?

3 MR. WYSHAK: Objection.

4 THE COURT: Sustained.

5 Q. Let me ask the question differently.

6 THE COURT: Rephrase it.

7 Q. When you returned from Antigua --

8 A. Yes.

9 Q. -- to Massachusetts --

10 A. Yes.

11 Q. -- and started collecting money from agents and from  
12 betters, Bob Eremian represented to you that what you were  
13 doing in Massachusetts was legal because it was licensed in  
14 Antigua, right?

15 A. No.

16 Q. He didn't represent that to you?

17 A. No.

18 Q. You did it anyway?

19 A. Excuse me.

20 Q. You did it anyway?

21 A. Yes.

22 Q. Okay. And that was what you had been doing previously  
23 in Lynnfield when there was a sports betting operation in  
24 the garage, correct?

25 A. Yes.

1 Q. And the operation in the garage was not called SOS, was  
2 it?

3 A. No.

4 Q. It wasn't called anything, right?

5 A. No.

6 Q. It was Bob's garage?

7 A. I don't even know --

8 Q. It had no name?

9 A. -- if it had a name.

10 Q. It had no website, right?

11 A. No, sir.

12 Q. And it didn't advertise, did it?

13 A. No.

14 Q. Okay. And that was one thing that SOS started doing  
15 when it moved to Antigua, right, it started advertising?

16 A. Yes.

17 Q. And it advertised in local radio shows here in  
18 Massachusetts, right?

19 A. I don't recall hearing them.

20 Q. Do you recall knowing about them?

21 A. On the radio?

22 Q. Yes.

23 A. No.

24 Q. Did you ever listen to WEEI?

25 MR. WYSHAK: Objection. The witness has said he

1 doesn't know, he didn't hear anything.

2 THE COURT: Sustained.

3 Q. Were you given marketing materials by Bob Eremian --

4 A. Yes.

5 Q. -- for purpose of handing out to prospective  
6 customers?

7 A. Yes.

8 Q. All right.

9 MR. HORSTMANN: May I approach the witness, your  
10 Honor?

11 THE COURT: Yes.

12 Q. Showing you what's already in evidence as Government  
13 Exhibits 214, I'd ask if you recognize that particular  
14 card?

15 A. Yes, I do.

16 Q. What do you recognize that to be?

17 A. A business card.

18 Q. It's more than just a business card, right, it's pretty  
19 heavy duty plastic?

20 A. What would you consider it?

21 Q. Well, it's for marketing purposes, correct?

22 A. Okay, yeah.

23 Q. And it advertises SOS on both the front and the back,  
24 correct?

25 A. Yes.

1 Q. Phone numbers and website, correct?

2 A. Yes.

3 Q. And this was something that your Uncle Bob wanted you to  
4 bring with you when you were -- when you were out to bars,  
5 to clubs, visiting with prospective clients, correct?

6 A. Yes.

7 Q. He wanted you to promote the business, correct?

8 A. Yeah.

9 Q. And at the point in time that you had these particular  
10 cards given to you, were you given T-shirts as well?

11 A. No.

12 Q. Do you remember any T-shirts?

13 A. No.

14 Q. Do you remember who ran the marketing campaign?

15 A. No.

16 Q. Do you know where Bob got these business cards?

17 A. No.

18 Q. Do you recall any other advertising or marketing  
19 material?

20 A. No.

21 Q. It was just these?

22 A. That I can recall.

23 Q. And you don't remember any radio advertisements?

24 A. No.

25 Q. Do you remember an event in Boston called the

1 Butchie Palooza?

2 A. No.

3 Q. You don't remember that?

4 A. No. The Butchie Palooza?

5 Q. Yes.

6 A. No. There were several years that I was incarcerated,  
7 so I don't remember a lot of the stuff that you're asking  
8 me.

9 Q. What years were you incarcerated?

10 A. You'd have to look it up. It was five years over the  
11 last ten.

12 Q. And with respect to the point in time that you were  
13 given these cards, do you recall when that was?

14 A. No, I have no idea.

15 Q. If I were to represent to you that three sleeves of  
16 these cards were found in Mr. Lyons' home in 2006, would  
17 that help you determine when you may have been passing them  
18 out?

19 A. No.

20 Q. How many of them were you given and how many did you  
21 pass out?

22 A. I probably got a sleeve of them.

23 Q. Okay.

24 A. A box of them.

25 Q. About 500?



1 A. I don't know how many are in a box. I don't recall  
2 handing them out either.

3 Q. A box about the size of those?

4 A. Yes.

5 Q. And were other agents given those cards as well?

6 A. I don't know.

7 Q. Do you know whether Chris Means was given those cards?

8 A. Chris who?

9 Q. Means?

10 A. I have no idea.

11 Q. Billy Means?

12 A. I have no idea.

13 Q. You never saw any other agents with those cards?

14 A. No.

15 Q. When you were collecting from specific agents for SOS,  
16 do you recall what agents you collected from?

17 A. No.

18 Q. You have no memory of any of them?

19 A. No. I remember numbers.

20 Q. Well, you knew Chris and Billy Means, correct?

21 A. I knew Chris, I didn't know Billy.

22 Q. Did you collect from Chris?

23 A. No.

24 Q. Did you know an individual with the last name  
25 McDonald?

1 A. Yes.

2 Q. What was his first name?

3 A. James, Jimmy.

4 Q. Was he an agent?

5 A. That I don't know. I never saw him.

6 Q. Did you collect money from him?

7 A. No.

8 Q. Why did that just refresh your memory?

9 A. Why did what just refresh my memory?

10 Q. In what capacity did you know Mr. McDonald?

11 A. I knew he was an officer in the Town of Marblehead where  
12 I had troubles.

13 Q. And you don't remember collecting money from him?

14 A. No.

15 Q. And you don't remember him being an agent for SOS?

16 A. No.

17 Q. You just happen to remember that he's an officer in  
18 Marblehead where you had some trouble?

19 A. I know he was friendly with the family, he used to clean  
20 my grandmother's car and take it for oil changes and stuff  
21 like that. I knew he was a friend of the family.

22 Q. And you don't remember what agent number he had?

23 A. No.

24 Q. And you never remember collecting money from him?

25 A. No.

1                   MR. WYSHAK: Objection. How many times do we have  
2 to ask the same question?

3                   THE COURT: Sustained. Just say asked and  
4 answered. Sustained.

5 Q. When you were in Antigua, was it before the actual  
6 website was developed?

7 A. When I was in Antigua?

8 Q. Yes.

9 A. Was it before there was a website, yes.

10 Q. So, there was a period of time where the operation was  
11 being set up, correct?

12 A. Yes.

13 Q. And by the time you left, was the website set up?

14 A. Yes.

15 Q. Okay. So you were down there for a period of months,  
16 and during that period of time they were able to set up the  
17 website, correct?

18 A. Yes.

19 Q. So you didn't have to answer phones while you were down  
20 there, correct?

21 A. I answered phones.

22 Q. You did?

23 A. Yes.

24 Q. What phones did you answer?

25 A. Which phones did I answer?

1 Q. Yes.

2 A. I'm not following.

3 Q. Did you answer phones for SOS or for yourself?

4 A. No, for SOS.

5 Q. And what individuals did you speak with while you were  
6 answering phones?

7 A. I couldn't recall.

8 Q. Do you recall better numbers or names?

9 A. No.

10 Q. Okay. And with respect to the period of time that after  
11 the website was set up, were you still answering phones?

12 A. Yes.

13 Q. All right. And was Mr. Hanson there during that period  
14 of time?

15 A. Yes.

16 Q. And then he left at some point, correct?

17 A. Not while I was there.

18 Q. So you left before him?

19 A. Yes.

20 Q. With respect to the business that you were operating as  
21 an agent for SOS, did you keep notes with respect to the  
22 activities of your betters and the agents that you collected  
23 from?

24 A. Yes.

25 Q. And do you know what happened to those notes?

1 A. No.

2 Q. They don't exist anymore?

3 A. No.

4 Q. And were you during this period of time keeping yourself  
5 informed on the status of the legality of offshore sports  
6 betting?

7 A. No, I wasn't keeping myself informed.

8 Q. All right. You were just in it for the business of it,  
9 correct?

10 A. Yes.

11 Q. You didn't care whether it was legal or not?

12 A. No.

13 Q. And you didn't have any conversations with your  
14 Uncle Bob about the legality of it after the time that you  
15 came back from Antigua the second time?

16 A. No.

17 Q. Did you ever borrow money from Mr. Lyons?

18 A. Not that I recall.

19 Q. At the time that you testified before the grand jury in  
20 2007, you were still taking bets, correct?

21 A. In 2007?

22 Q. Yes. I'm sorry, 1997.

23 A. I was going to say. When I testified was I still taking  
24 bets?

25 Q. Yes.

1 A. No. Well, I don't know where I was at that point.

2 You'd have to tell me where I was at that point.

3 Q. When did you stop taking bets?

4 A. I wasn't taking bets when I came home from Antigua. I  
5 would only take bets when I was there.

6 Q. But I thought we established that you built up your  
7 business again after you came back, correct, and that's how  
8 you got Mr. Michaud?

9 A. Correct.

10 Q. All right. So when did that stop? When did you stop  
11 taking bets?

12 A. Mr. Michaud?

13 Q. Yes.

14 A. I wasn't taking bets, I was getting customers. I had  
15 customers that would bet through SOS. I wasn't physically  
16 taking bets myself.

17 Q. When did you stop collecting from your customers or  
18 paying your customers?

19 A. I don't recall that date.

20 Q. And is that an important distinction in your mind that  
21 you were not taking bets?

22 A. Yeah, because I feel if I was taking bets here that it  
23 was illegal. I was actually taking action.

24 Q. So you felt that you were not committing a crime in  
25 Massachusetts if you were not taking bets, correct?

1 A. I don't know what you're pertaining to or what you're  
2 asking.

3 Q. You're the one who just drew the distinction, I'm trying  
4 to figure out what that distinction is.

5 A. Okay. But if I wasn't taking bets here that I wasn't  
6 doing anything illegal, that I wasn't breaking the law  
7 because I was turning them over to a place that had a legal  
8 operation going on.

9 Q. And you turned those betters over to Mr. Lyons,  
10 correct?

11 A. I believe so.

12 Q. Is that still your opinion on the state of the law as  
13 you sit here today?

14 MR. WYSHAK: Objection.

15 THE COURT: Overruled.

16 A. What is the question now?

17 Q. Is your opinion still the same today as it was back then  
18 that --

19 THE COURT: When is back then?

20 MR. HORSTMANN: Whenever it was he had the state  
21 of mind that what's going on was different.

22 A. What's going on right now, no, I don't believe that it's  
23 illegal because I wouldn't be here.

24 Q. Well, you're here because you were asked to be here by  
25 the government, correct?

1 A. Yes.

2 Q. All right. When did your position change with respect  
3 to whether or not taking bets was the -- was different from  
4 actually paying out customers or receiving money from  
5 customers?

6 A. When did my position change?

7 Q. Yes.

8 A. It never changed.

9 Q. All right.

10 A. I'm not following where you're going.

11 Q. All right. I thought you just testified --

12 A. Yeah.

13 Q. -- that as you sit here today you're of the opinion  
14 that it's illegal regardless of whether you're actually  
15 taking the bet in Massachusetts, correct?

16 A. Yes.

17 Q. All right. And prior to -- at some point prior to  
18 today, it was your opinion that as long as you weren't  
19 taking the bet in Massachusetts, you were not violating  
20 Massachusetts law?

21 A. Correct.

22 Q. When did your opinion change?

23 A. When did my opinion change? I still don't feel that the  
24 betters that are betting over there is illegal. I'm not  
25 following what you want from me, what you're asking me.



1                   MR. HORSTMANN: May I just have a moment, your  
2 Honor? No further questions.

3                   THE COURT: Anything?

4                                   REDIRECT EXAMINATION

5 BY MR. WYSHAK:

6 Q. Mr. Chew --

7 A. Yes.

8 Q. -- you were first subpoenaed to testify before a  
9 federal grand jury in 1997, correct?

10 A. Yes.

11 Q. Okay. And at that time it was made abundantly clear to  
12 you, was it not, that the activity in which you were engaged  
13 and your uncle was engaged in Massachusetts was illegal?

14 A. Yes.

15 Q. Correct? Okay. So from 1997, when your uncle tells  
16 you --

17                   MR. NURIK: Uncle? Excuse me, objection.

18 Q. -- Robert tells you get out of town, the feds are after  
19 you, you knew that what you were doing was illegal?

20 A. Yes.

21 Q. Correct? And you went back to Antigua because of  
22 that?

23 A. Yes.

24 Q. All right. Now, just because something may be legal in  
25 Antigua, it doesn't make it legal in Massachusetts, right?

1 A. Yes.

2 MR. HORSTMANN: Objection.

3 THE COURT: Overruled.

4 Q. And you understood that as far back as 1997, right?

5 A. Yes.

6 Q. And as a matter of fact you probably would have stayed  
7 in Antigua if your uncle didn't kick you out?

8 A. Yes.

9 Q. So you come back here, and at some point in time in the  
10 early 2000s, you rehabilitate your relationship with your  
11 uncle, right?

12 A. Yes.

13 Q. And you start taking action again or you start  
14 soliciting customers for SOS?

15 A. Yes.

16 Q. So, in order for you to do that, right, you have to open  
17 an account for those people?

18 A. Yes.

19 Q. Correct? You have to give them a code number, basically  
20 you are authorizing or giving them the ability to place the  
21 bet?

22 A. Yes.

23 Q. Correct?

24 A. Yes.

25 Q. Not only that, but you are collecting money from them

1 here in Massachusetts, correct?

2 A. Yes.

3 Q. You're paying them if they win here in Massachusetts,  
4 right?

5 A. Yes.

6 Q. You're picking up the telephone here in Massachusetts to  
7 call in a bet, right?

8 A. Yes.

9 Q. So you are clearly -- without you or somebody like you,  
10 those people in Massachusetts couldn't bet with SOS,  
11 right?

12 A. Yes.

13 Q. All right. And you clearly understood when you got back  
14 into your uncle's good graces in the early 2000s that what  
15 you were doing here in Massachusetts was in violation of the  
16 law, correct?

17 A. Yes.

18 Q. As a matter of fact, I showed you those two checks from  
19 Mr. Stone, right?

20 A. Yes.

21 Q. How many of your other customers gave you checks?

22 A. I believe he was the only one or maybe one other one.

23 Q. Okay. So most people paid in cash, right?

24 A. Yes.

25 Q. And you met them where, at a parking lot or at a grocery

1 store, right?

2 A. Yes.

3 Q. That's generally the way a regular business does  
4 business, right?

5 A. Yes.

6 Q. I mean, if you use electricity from Mass. Electric or  
7 National Grid, they send you a bill in the mail, right?

8 A. Yes.

9 Q. And you write out a check to National Grid to pay your  
10 bill, right?

11 A. Yes.

12 Q. That's not how business was conducted by SOS, was it?

13 A. No.

14 Q. People didn't get bills in the mail?

15 A. No.

16 Q. People met you or other people who were agents in  
17 parking lots and gave them cash in an envelope, right?

18 A. Yes.

19 Q. Or if they wrote out checks, they put squiggly things on  
20 the checks to make it look like it's something that it  
21 really wasn't?

22 A. Yes.

23 Q. Just getting to what Mr. Horstmann was trying to say,  
24 are you clear that as of at least 1997, when you left here  
25 and handed off your books to Mr. Lyons, you understood that

1     what was going on with SOS was illegal in Massachusetts?

2     A.   Yes.

3     Q.   You don't have to be a rocket scientist to figure that  
4     out, right?

5     A.   No.

6     Q.   All right.  Now, just to clear up a few things, when you  
7     first go to Antigua, is it fair to say that all of the  
8     activity is over the telephones?

9     A.   Yes.

10    Q.   Were you actually physically present there when the  
11   Internet site got up and was operational?

12    A.   Yes.

13    Q.   So when would you say that occurred?

14    A.   I don't recall.  I know we were working on computers  
15   within the first month or two.

16    Q.   Okay.  Well, working on computers, you had computers in  
17   Lynnfield, right?

18    A.   We didn't.

19    Q.   There wasn't a computer in Lynnfield where they kept  
20   the --

21    A.   Yeah, but that wasn't us though.  We didn't have a  
22   computer ourselves.

23    Q.   Oh, I understand but somebody in Lynnfield had a  
24   computer?

25    A.   Yes.

1 Q. And that was for an internal record of the activity?

2 You didn't have an Internet site going?

3 A. No.

4 Q. So you can have the computer, it doesn't mean that  
5 there's an Internet site active. What I'm asking you is do  
6 you recall if when you were actually there the Internet site  
7 was up and running?

8 A. In Antigua?

9 Q. Yes.

10 A. There was a program running. I don't know whether it  
11 was Internet. You know, I know there was a program.

12 Q. Right. So when you took the bets, somebody called you  
13 on the phone and you took the bet, you entered the  
14 information into the computer?

15 A. Yeah.

16 Q. Right? But you understand that that's a different  
17 concept from having an Internet site?

18 A. I don't recall whether it was an Internet site. I know  
19 that on my screen would be games. I'd pick a game, I'd put  
20 in an amount for a customer. I don't know whether it was an  
21 Internet site.

22 Q. You had to have the telephone to do that?

23 A. Yes.

24 Q. Somebody had to call you up on the phone?

25 A. Yes.

1 Q. Somebody couldn't access the computers?

2 A. No.

3 Q. Without you?

4 A. No, I don't believe so.

5 Q. During that period of time?

6 A. No, I don't believe so.

7 Q. So the Internet site comes some time later after you  
8 leave?

9 A. Yes, must have.

10 Q. It's fair to say that a lot of the people that you and  
11 Mr. Lyons have in common come from Marblehead?

12 A. Yes.

13 Q. Correct?

14 A. Yes.

15 Q. So some of the people like Chris Michaud, is he a  
16 Marblehead guy?

17 A. Yes.

18 Q. So there's a lot of these names that both you and  
19 Mr. Lyons know because you grew up with the same group of  
20 people, correct?

21 A. Yes.

22 Q. This business card that's up on the screen, can you show  
23 me where on that business card it says bet on sports for  
24 money?

25 A. Where it says bet on sports?

1 Q. Yes. Does it say anything about placing a bet for  
2 money?

3 A. No.

4 Q. It doesn't say anything like that, right?

5 A. No.

6 Q. That might tip somebody off who looks at it that that's  
7 illegal, right?

8 A. Yes.

9 Q. Okay. If it was legal, one might think you'd put it on  
10 the card, right?

11 A. Yes.

12 Q. Instead what do they put on the card, "play legal."  
13 Now, somebody made that up, right?

14 A. I would think.

15 Q. Well, who gave you the cards?

16 A. My Uncle Bob.

17 Q. Okay. So he probably made that up, right, just like I  
18 can make up, you know, any name I want and put it on a  
19 business card?

20 A. Yes.

21 Q. Does that mean that what SOS was doing was legal because  
22 Bob Eremian makes up some card and puts "playlegal.com" on  
23 it?

24 A. No.

25 Q. Now, I want to show you --



1 MR. WYSHAK: May I approach the witness, your  
2 Honor?

3 THE COURT: Yes. Did you show counsel?

4 MR. NURIK: May we approach, your Honor?

5 (THE FOLLOWING OCCURRED AT SIDEBAR:)

6 MR. WYSHAK: I want to show the witness his grand  
7 jury testimony where he testified that he knew that his  
8 Uncle Daniel was an agent.

9 THE COURT: He can impeach him.

10 MR. NURIK: Wait a second. He could have done  
11 this on direct, but he denied being involved. What I'm  
12 saying, the witness specifically denied that my client was  
13 an agent on direct.

14 THE COURT: Overruled.

15 MR. NURIK: He could have impeached him then. I  
16 didn't cross-examine him. It's beyond the scope of cross.

17 THE COURT: It's a beyond the scope objection.

18 MR. WYSHAK: Your Honor --

19 MR. NURIK: Let me finish.

20 MR. WYSHAK: Yes, go ahead.

21 MR. NURIK: Mr. Wyshak is one of the most  
22 experienced federal prosecutors in the country. He's been  
23 doing this for 36 years. He's been on this case for over a  
24 year. He knows exactly what his witness said before. He  
25 put the witness in the grand jury. The witness told him

1 something different than what he was expecting. He could  
2 have impeached him then. He did not. He sat down, he ended  
3 his examination. I'm going to make a critical decision not  
4 to cross-examine. I did not cross-examine him. There is  
5 nothing in the record for a redirect regarding Dan Eremian.

6 MR. WYSHAK: Several things, your Honor. First  
7 off, I think I'm entitled to some leeway on this with this  
8 witness. He surprised me with that answer. His uncle is  
9 sitting in the courtroom. It's a familial relationship.  
10 It's obviously causing him not to admit to what he knows.  
11 Mr. Nurik can get up and ask him whatever questions he wants  
12 on recross. I think I'm entitled unless we want to leave  
13 the record with what I think is perjurious testimony.

14 MR. NURIK: His remedy is with the witness.

15 MR. WYSHAK: Do we want the jury to have the  
16 truth?

17 MR. NURIK: Yes, we do want the jury to have the  
18 truth. Your version of the truth is different than mine.

19 MR. WYSHAK: No, his version, the witness'  
20 version.

21 THE COURT: It's a beyond the scope issue.

22 MR. WYSHAK: I do not disagree, however, I think  
23 that because, you know, we have a relative of the family on  
24 the witness stand who surprised the government with that  
25 answer, and, yeah, I could have sat down and taken 20

1 minutes to find in his grand jury testimony, if that's what  
2 you want me to do, I'll do that, but I let it go and found  
3 it while he was on cross. I think that under these  
4 circumstances on such a key issue I should at least be  
5 entitled to show him this and ask him if he wants to change  
6 his answer.

7 MR. NURIK: If the Judge is going to require me to  
8 do it, I lost the opportunity to do about an hour's worth of  
9 cross-examination.

10 THE COURT: I'm going to allow him to do it in the  
11 interest of justice. I'm going to allow you to do your  
12 hour's worth of cross if that's what it takes.

13 (SIDEBAR CONFERENCE WAS CONCLUDED)

14 Q. Mr. Chew, do you remember I asked you whether or not you  
15 knew your Uncle Daniel was an agent?

16 A. Yes.

17 Q. Let me show you your grand jury testimony.

18 A. Okay.

19 Q. And ask you to read at the bottom of page 56 to the top  
20 of the next page.

21 A. Read from the top to the bottom?

22 Q. No, no, from the bottom.

23 A. "Are you aware your Uncle Danny -- "

24 THE COURT: Read it to yourself.

25 Q. Read it to yourself.

1 A. Oh. Just to the top?

2 Q. Yes.

3 A. Okay.

4 Q. I'm going to ask you again are you aware that your  
5 Uncle Daniel was an agent for SOS?

6 A. Yes.

7 Q. Okay. Why did you tell us before that you weren't aware  
8 of that?

9 A. Because I didn't recall. I didn't recall him being an  
10 agent.

11 Q. As you sit there, do you recall that he was an agent for  
12 SOS?

13 A. Yes.

14 MR. WYSHAK: I have nothing further, your Honor.

15 MR. HORSTMANN: Your Honor, if Mr. Nurik is going  
16 to be allowed to examine now, I just want the record to show  
17 that I haven't had a recross yet. I'm not sure.

18 THE COURT: I think I'll let him go first.

19 MR. HORSTMANN: Thank you.

20 RE CROSS-EXAMINATION

21 BY MR. NURIK:

22 Q. Good morning, Mr. Chew.

23 A. Good morning.

24 Q. First of all, back when you were working in the  
25 Lynnfield office for your Uncle Bobby, I am correct in

1 saying that Dan Eremian had no part of that gambling  
2 operation?

3 A. Correct.

4 Q. In fact, he was running a bar/restaurant called  
5 Brodie's?

6 A. Yes.

7 Q. Now, you were a young man at the time, correct?

8 A. Yes.

9 Q. But you were friendly with your uncles, in fact, you  
10 were working for your Uncle Bobby, correct?

11 A. Yes.

12 Q. Okay. Then you remember hearing through the family that  
13 Danny lost his bar/restaurant in a divorce proceeding?

14 A. Yes.

15 Q. Okay. And then Danny moved to Brodie's South in  
16 Florida, he actually opened a restaurant in Florida?

17 A. Yes.

18 Q. Did you ever work for him?

19 A. Yes, I did.

20 Q. Where did you work for him?

21 A. Down at Brodie's South.

22 Q. In Florida?

23 A. Yes.

24 Q. And Danny wasn't an agent for Bobby at that point in  
25 either, correct?

1 A. No.

2 Q. Okay. In fact, Danny was working really hard trying to  
3 establish that restaurant, correct?

4 A. Yes.

5 Q. He was a tough boss, wasn't he?

6 A. Yes.

7 Q. Okay. But you guys got along?

8 A. Oh, yeah.

9 Q. Okay. And then Danny actually lost that restaurant,  
10 too?

11 A. Yes.

12 Q. All right. He had a dispute with the person who backed  
13 the restaurant, financially backed the restaurant?

14 A. Yes.

15 Q. So, as a result Danny then went to work as a bartender,  
16 do you remember that?

17 A. I was gone by that point.

18 Q. Okay. So we're talking about now about when, 1995?

19 A. '95-'96 maybe.

20 Q. Okay. And then at some point you went to Antigua with  
21 everybody else on the hope that you were going to open a  
22 legal betting, sports book betting operation in Antigua,  
23 correct?

24 A. Yes.

25 Q. With casino and horse racing as well, right?

1 A. That keeps coming up, the casino. I don't recall the  
2 casino, I do remember taking wages on horses.

3 Q. On horses, okay. In any event, at some point Danny came  
4 down after you went down with the others, and he helped  
5 build things and do some menial jobs, correct?

6 A. Yes.

7 Q. And then he left?

8 A. Yes.

9 Q. Okay. Then when he came back to Florida, he never  
10 called you to place a bet on behalf of any customer,  
11 correct?

12 A. No.

13 Q. He never spoke to you about being involved in any sports  
14 book business, correct?

15 A. Are we talking the period that I was down there?

16 Q. Right.

17 A. No.

18 Q. During the periods you were down there in Antigua while  
19 you were working and other agents were calling in for  
20 customers, he never called you, correct?

21 A. No.

22 Q. And your Uncle Bobby never said that Danny was an  
23 agent?

24 A. No.

25 Q. Okay. That in fact you never saw any records of Danny

1       being an agent?

2       A.   No.

3       Q.   Okay.  Now, you told us earlier that Danny wasn't an  
4       agent?

5       A.   Wasn't or was?

6       Q.   Wasn't?

7       A.   Okay.

8       Q.   Then Mr. Wyshak pointed out to you that when you were in  
9       the grand jury in 1997, you said he was?

10      A.   Uh-hum.

11      Q.   Okay.  Now, back in 1997, when you were in the grand  
12      jury, you were pretty intimidated, weren't you?

13                 MR. WYSHAK:  2009.

14                 THE COURT:  I didn't hear it.

15                 MR. WYSHAK:  I object.

16      Q.   2009, in 2009 you were in front of Mr. Wyshak,  
17      correct?

18      A.   When?

19      Q.   2009 Mr. Wyshak was there?

20      A.   Yes.

21                 THE COURT:  The grand jury proceeding was in 2009,  
22      is that it?

23                 MR. WYSHAK:  2009 to 2010, yes.

24      Q.   Was there a judge there?

25      A.   No.



1 Q. Okay. Were there attorneys like myself representing  
2 anybody being accused of a crime there?

3 A. In the room?

4 Q. Right.

5 A. No.

6 Q. Okay. It was just a couple of grand jurors and  
7 Mr. Wyshak, right?

8 A. Yes.

9 Q. Okay. Mr. Wyshak was the one asking you the questions,  
10 right?

11 A. Yes.

12 Q. Did you feel like he was putting words in your mouth at  
13 the time?

14 A. Not during the testimony, prior to.

15 Q. Okay. At that particular point in time he says you said  
16 that my --

17 MR. WYSHAK: Objection, objection.

18 Q. -- client --

19 MR. WYSHAK: I don't say it.

20 MR. NURIK: Let me finish the question.

21 THE COURT: Let me hear the question.

22 Q. At that particular point in time, according to  
23 Mr. Wyshak's questioning of you before, you said that your  
24 Uncle Danny was an agent, correct?

25 A. Okay, yes.

1 Q. Okay. But the fact of the matter is you never spoke to  
2 him about being an agent, correct?

3 A. Correct.

4 Q. He never called as an agent to you, correct?

5 A. Correct.

6 Q. You never spoke to your Uncle Bobby about him being an  
7 agent, correct?

8 A. Correct.

9 Q. You never saw any records of him being an agent,  
10 correct?

11 A. No.

12 Q. Okay. You never saw him send any money to Antigua,  
13 correct?

14 A. No.

15 Q. You never saw him pick up any money, correct?

16 A. No.

17 Q. You didn't give any money to him, correct?

18 A. I did at one point.

19 Q. You gave him money?

20 A. Yeah, when I was going to Antigua.

21 Q. Gambling money?

22 A. It was money that I had collected.

23 Q. Money that you collected?

24 A. Yeah.

25 Q. And you gave it to him, you told him it was gambling

1 money?

2 A. That was when the feds were after me when I was hopping  
3 on a plane.

4 Q. You didn't tell him it was gambling money?

5 A. I was told to give the money to him.

6 Q. By whom?

7 A. Either Richard or Bob.

8 Q. But you didn't tell him it was gambling money?

9 A. No.

10 Q. Okay. How much money was it?

11 A. I don't recall the exact amount.

12 Q. Okay. And you don't know what he did with it?

13 A. No.

14 Q. Okay. And then after you were in Antigua for a short  
15 period of time, Danny went into business buying a bar and  
16 restaurant in Florida called Danny's 19th Hole, do you  
17 remember that?

18 A. Yes.

19 Q. Okay. And at that point in time, Danny was working  
20 full-time as a restaurateur in Florida, correct?

21 A. Yes.

22 Q. And you have no knowledge of Danny doing anything as an  
23 agent during that period of time, correct?

24 A. No.

25 Q. Am I right?

1 A. I don't know. Yeah.

2 THE COURT: Wait, just ask it in a way that he can  
3 answer it clearly.

4 Q. Okay. Danny was not working as an agent according to  
5 you during that time?

6 A. Correct.

7 Q. By the way, are you aware that your Uncle Danny was  
8 shipping all sorts of household goods and equipment and  
9 tools and things to Antigua?

10 A. Was I aware of that?

11 Q. Yes.

12 A. No.

13 Q. When you were at Antigua for the first time, you were  
14 there just for a matter of months, correct?

15 A. Yes.

16 Q. And then the second time you were there for how long?

17 A. I think only a couple more months again.

18 Q. Okay. Then when you came back and you were working as  
19 an agent for Sports Off Shore in Massachusetts, you had no  
20 dealings with your Uncle Danny?

21 A. No.

22 Q. Okay. In fact, your Uncle Danny had nothing to do with  
23 anything you did in Massachusetts?

24 A. Correct.

25 Q. As far as you know, he had nothing to do with what

1 anybody else did in Massachusetts?

2 A. Correct.

3 Q. Correct?

4 A. Correct.

5 Q. As you sit here now today, can you tell the ladies and  
6 gentlemen of the jury about anything that your Uncle Danny  
7 did regarding the sports book betting operation in  
8 Massachusetts?

9 A. No.

10 Q. Because there wasn't anything, correct?

11 A. Not that I know of.

12 Q. Okay. Now, you've been given immunity regarding your  
13 testimony?

14 A. Uh-hum.

15 Q. And as you understand it, that basically means you're  
16 not going to be prosecuted, correct?

17 A. Correct, unless I sit up here and lie.

18 Q. Well, who makes that decision?

19 A. I don't know.

20 Q. It's the prosecution, right?

21 A. I would think either/or.

22 Q. Well --

23 A. I don't know how it works, to be honest with you. Alls  
24 I know is that I had an attorney, and he said you have  
25 immunity, and I don't know what laws are tied into it or

1       what.

2       Q.   So as you leave this courtroom, you realize that you're  
3       not going to be prosecuted?

4       A.   Correct, I feel that way.

5       Q.   And as far as you're concerned, your Uncle Bobby had you  
6       believe that what you were doing in Antigua in having  
7       Antiguan operators take bets from you as customers was going  
8       to be lawful, correct?

9       A.   That's what I believed.

10      Q.   Okay.

11                 MR. NURIK:   Can I have one moment, your Honor?  I  
12      have nothing further.

13                 THE COURT:   Anything, Mr. Horstmann?

14                 MR. HORSTMANN:  Yes, your Honor.

15                                 RE CROSS-EXAMINATION

16      BY MR. HORSTMANN:

17      Q.   With respect to the times that you had been involved  
18      with law enforcement since 1997, is it fair to say that  
19      you've met dozens of times with federal prosecutors, State  
20      Police and agents working on this case or your uncle's old  
21      case?

22      A.   Several times?

23      Q.   Yes.

24      A.   No, other than being called into a grand jury, no.

25      Q.   You haven't met with them outside of the grand jury?

1 A. No. They came to my house to serve me, they've come to  
2 my house to serve me.

3 Q. All right. How many times have you testified before the  
4 grand jury?

5 A. Excuse me.

6 Q. How many times have you testified before the grand  
7 jury?

8 A. I believe there was once back in the '90s and then three  
9 times I think this last time.

10 Q. Okay. And --

11 A. About three.

12 Q. And that was back in the '90s was by another Assistant  
13 United States Attorney, correct?

14 A. June Seraydar.

15 Q. And prior to testifying before the grand jury, you were  
16 prepped by the U.S. attorneys who were putting you into the  
17 grand jury, correct?

18 A. No.

19 Q. You didn't go into an interview room?

20 A. No, I came in there on a hangover after partying all  
21 night, and I walked right into the grand jury.

22 Q. All right. And you knew throughout this process that  
23 what the government wanted you to testify about was your  
24 Uncle Bob's offshore betting operation, correct?

25 A. Yes.

1 Q. All right. And after four grand jury appearances  
2 connected with that, you still are of the opinion that what  
3 you were doing on the ground in Massachusetts for SOS was  
4 legal?

5 MR. WYSHAK: Objection. That mischaracterizes the  
6 witness' testimony.

7 THE COURT: Well, he can say that. Is that what  
8 you think?

9 A. Can you repeat the question, please? Do I feel it was  
10 legal what I was doing here?

11 Q. You still had the guts on cross-examination earlier to  
12 say that you felt --

13 MR. WYSHAK: Objection.

14 Q. -- that what you were doing --

15 THE COURT: Sustained as to how you currently  
16 felt. Why don't you phrase it differently.

17 Q. After four grand jury appearances and appearing here  
18 today, you still are able to say on cross-examination that  
19 you felt that what you were doing in terms of collecting and  
20 paying customers and not accepting bets was legal, right?

21 A. No.

22 Q. That's not what you said?

23 A. I'm either misunderstanding what you're saying -- I  
24 didn't feel that what I was doing was legal, collecting  
25 money, I didn't feel that was legal, if that answers your



1 question.

2 Q. No, it doesn't because it's completely different from  
3 what you said 20 minutes ago.

4 MR. WYSHAK: Objection. Argumentative.

5 THE COURT: Sustained. I strike it.

6 Q. Didn't you say the exact opposite 20 minutes ago?

7 A. I don't know whether you're rewording it or what you're  
8 doing with it, but I'm not understanding the way you're  
9 asking the question.

10 THE COURT: Sometimes when people ask in double  
11 negatives, so why don't you just ask it straight up.

12 Q. Do you recall me asking you questions 20 minutes ago  
13 about when you formed the opinion that what you were doing  
14 in terms of collecting money from people who had placed bets  
15 in Antigua was illegal?

16 A. Correct.

17 Q. All right. And your answer to that question was you  
18 still think it's legal, right?

19 A. Do I still think it's legal?

20 Q. Yes.

21 A. To collect money?

22 Q. For people who place bets in Antigua?

23 A. No.

24 Q. Okay. Then I'll ask the same question. When did you  
25 change your opinion?

1 A. I don't know.

2 Q. Was it just now? Was it within the last 20 minutes?

3 A. I don't know. I feel like the question was asked in a  
4 different form.

5 Q. With respect to the check, the two checks that were put  
6 into evidence on direct examination --

7 A. I'm looking at one here that's not made out to me and  
8 another one that was. I don't know what you're referring  
9 to.

10 Q. Those checks you endorsed, correct?

11 A. This one I didn't.

12 Q. That's not the one I'm asking about. The two that went  
13 into evidence were made payable to you?

14 A. From Eric Stone?

15 Q. Yes.

16 A. Yes.

17 Q. And you endorsed them, correct?

18 A. Yes, I did.

19 Q. And you either cashed them or deposited them, do you  
20 remember?

21 A. Yes.

22 Q. As you sit here today after years of drug and alcohol  
23 abuse, do you know what happened to that money?

24 MR. WYSHAK: Objection.

25 THE COURT: Sustained.

1 Q. Do you know what happened to that money?

2 A. Do I know what happened to it, I spent it.

3 Q. You didn't give it to SOS, did you?

4 A. No.

5 Q. You stuck it in your pocket, right?

6 A. Correct.

7 MR. HORSTMANN: No further questions.

8 THE COURT: Thank you very much. You may leave.

9 THE WITNESS: I may leave?

10 THE COURT: Yes. Unless you want to stay.

11 THE WITNESS: What?

12 THE COURT: Unless you want to stay.

13 THE WITNESS: If I'm asked to, I will.

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## C E R T I F I C A T E

UNITED STATES DISTRICT COURT )  
DISTRICT OF MASSACHUSETTS )  
CITY OF BOSTON )

I, Valerie A. O'Hara, Registered Professional  
Reporter, do hereby certify that the foregoing transcript,  
Pages 1 through 100 inclusive, was recorded by me  
stenographically at the time and place aforesaid in Criminal  
No. 10-10159-PBS, United States vs. Todd Lyons and  
Daniel Eremian, and thereafter by me reduced to typewriting  
and is a true and accurate record of the proceedings.

In witness whereof I have hereunto set my hand  
this 16th day of March, 2012.

/S/ VALERIE A. O'HARA

\_\_\_\_\_  
VALERIE A. O'HARA

OFFICIAL COURT REPORTER